

IN THE WATER COURT OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
MUSSELSHELL RIVER ABOVE ROUNDUP BASIN (40A)  
PRELIMINARY DECREE

\* \* \* \* \*

CLAIMANT: 71 Ranch LP

OBJECTOR: 71 Ranch LP

**CASE 40A-0579-R-2022**

40A 198327-00  
40A 205646-00  
40A 205647-00  
40A 205648-00  
40A 205650-00  
40A 205654-00  
40A 205657-00

**NOTICE OF FILING OF MASTER'S REPORT**

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days to be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

## **MASTER'S REPORT**

Water Right Claims 40A 198327-00, 40A 205646-00, 40A 205647-00, 40A 205648-00, 40A 205650-00, 40A 205654-00, and 40A 205657-00 appeared in the Preliminary Decree for the Musselshell River, above Roundup (Basin 39F) issued May 23, 2019. Several of these claims received issue remarks. Issue remarks result from Department of Natural Resources and Conservation ("DNRC") claims examination or by Water Court order. Claims examination confirms the historical use of water right claims and identifies issues with claims. If claims examination cannot confirm some aspect of a claim, an issue remark is added to the claim.

Each of these claims also received an objection filed by Claimant 71 Ranch LP.

The Court consolidated these claims into Water Court Case 40A-0579-R-2022 on June 2, 2022. The consolidation order set a deadline by which Claimant was to file information resolving its objections. Claimant filed a response on November 30, 2022.

## **FINDINGS OF FACT**

1. Claim 40A 198327-00 appeared with the following issue remark:

THE SOURCE AND/OR POINT OF DIVERSION MAY BE INCORRECT. THE LOCATION OF THE HEADGATE CANNOT BE IDENTIFIED FROM AVAILABLE DATA. AS CLAIMED, IT APPEARS THE SOURCE MAY BE AN UNNAMED TRIBUTARY OF MUSSELSHELL RIVER, SOUTH FORK.

2. Claim 40A 205650-00 appeared with the following issue remarks:

THE CLAIMANT HAS FILED AN AFFIDAVIT WHICH SPECIFIES CORRECTING THE POINT OF DIVERSION LEGAL DESCRIPTION TO THE NENWSW 06, 07N, 11E, MEAGHER COUNTY. THIS HAS BEEN DOCKETED AS A LATE OBJECTION AND WILL BE HEARD AFTER PROPER NOTICE ON THE NEXT OBJECTION LIST.

POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

- . Claim 40A 205654-00 appeared with the following issue remark:

THE TIMELY FILED OBJECTION OF THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE POINT OF DIVERSION. BECAUSE THIS ELEMENT WAS NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THIS CHANGE MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

3. Claim 40A 205657-00 appeared with the following issue remark:

POINT OF DIVERSION NO. 2 APPEARS TO BE INCORRECT. POINT OF DIVERSION NO. 1 APPEARS TO BE IN THE NWNWSE SEC 4 TWP 6N RGE 11E MEAGHER COUNTY.

4. Claimant's November 20, 2023 response is a withdrawal of objections.

Claimant states the following regarding Claims 40A 198327-00, 40A 205650-00, 40A 205654-00, and 40A 205657-00:

40A 198327 00

Claimant withdraws its objections. The issue remark regarding source and point of diversion should be removed, and the claim should remain as decreed. The source and point of diversion were previously reviewed for the Musselshell River enforcement tabulations and determined by DNRC to be the South Fork of the Musselshell River, and the Hoyem Ditch respectively, and the claim was previously reviewed by the Court in Case 40A-157.

40A 205650 00

Claimant withdraws its objections. The claimant previously submitted an affidavit correcting the point of diversion legal description, which is referenced in this issue remark and located in the claim file. The claim should be corrected pursuant to the affidavit, and the issue remark should be removed.

40A 205654 00

Claimant withdraws its objections. The point of diversion should remain as decreed and as previously agreed by Claimant's predecessor and DNRC in prior litigation, and the issue remark should be removed.

40A 205657 00

Claimant withdraws its objection. The claimant agrees with the point of diversion correction referenced by DNRC in the issue remark. The correction should be made and the issue remark should be removed.

5. The amendment to Claim 40A 205650-00 requests the point of diversion be changed to NENWSW of Section 6, T7N, R11E.

6. The point of diversion of Claim 40A 20650-00 should be modified as described above.

7. The issue remark on Claim 40A 205657-00 includes references both to "Point of Diversion No. 2" and "Point of Diversion No. 1." A review of the claim file shows the reference to "Point of Diversion No. 1" is a typographical error.

8. Point of Diversion No. 2 of Claim 40A 205657-00 should be described as NWNWSE of Section 4, T6N, R11E, Meagher County.

#### **APPLICABLE LAW**

1. A properly filed statement of claim is prima facie proof of its content. Section 85-2-227, MCA. The prima facie status of a claim may be overcome by a preponderance of the evidence. Section 85-2-227, MCA; Rule 19, W.R.Adj.R. A preponderance of the evidence is evidence that shows a fact is "more probable than not." *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.

2. The Water Court must weigh an issue remark, and the information resulting in that issue remark, against the claimed water right. Section 85-2-247(2), MCA.

3. The Water Court must resolve all issue remarks not resolved through the objection process. Section 85-2-248, MCA. The Court must review information in the claim file or obtained by the Court to determine if there is a sufficient basis to resolve the remarks. 85-2-248(3), MCA.

### **CONCLUSIONS OF LAW**

1. The changes described in the Findings of Fact may be made because the evidence in the record overcomes the prima facie status of each relevant claim by a preponderance of the evidence.

2. The evidence in the record and the proposed changes provide the Court with a sufficient basis to resolve and remove each issue remark from each relevant above-captioned claim.

3. Claim 40A 198327-00 should substantively remain as decreed because the elements at issue were previously adjudicated.

### **RECOMMENDATIONS**

Based upon the above Findings of Fact and Conclusions of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin. Post-decree Abstracts of Water Right Claims are served with this Report to confirm the recommended changes have been made in the state's centralized record system.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

#### **Service Via Electronic Mail:**

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**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**MUSSELSHELL RIVER, ABOVE ROUNDUP**  
**BASIN 40A**

**Water Right Number:** 40A 198327-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** 71 RANCH LP  
40 71 RANCH LN  
MARTINSDALE, MT 59053 8709

**Priority Date:** APRIL 19, 1895

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 1.44 CFS

**\*Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**\*Maximum Acres:** 38.00

**Source Name:** SOUTH FORK MUSSELSHELL RIVER

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNWSE	4	7N	9E	MEAGHER

**Period of Diversion:** MAY 1 TO OCTOBER 15

**Diversion Means:** HEADGATE

**Ditch Name:** HOYEM DITCH

**Period of Use:** MAY 1 TO OCTOBER 15

**\*Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	15.00		S2NW	3	7N	9E	MEAGHER
2	13.00		S2NE	4	7N	9E	MEAGHER
3	10.00		N2S2	4	7N	9E	MEAGHER
<b>Total:</b>	<b>38.00</b>						

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**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

198327-00

198329-00

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**MUSSELSHELL RIVER, ABOVE ROUNDUP**  
**BASIN 40A**

**Water Right Number:** 40A 205646-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** 71 RANCH LP  
40 71 RANCH LN  
MARTINSDALE, MT 59053 8709

**Priority Date:** AUGUST 1, 1884

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** COTTONWOOD CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SE	18	8N	11E	MEAGHER
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
2		E2	19	8N	11E	MEAGHER
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
3		E2SW	19	8N	11E	MEAGHER
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
4		W2	30	8N	11E	MEAGHER
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
5		W2	31	8N	11E	MEAGHER
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
<b>Period of Use:</b> JANUARY 1 TO DECEMBER 31						

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SE	18	8N	11E	MEAGHER
2			E2	19	8N	11E	MEAGHER
3			E2SW	19	8N	11E	MEAGHER
4			W2	30	8N	11E	MEAGHER
5			W2	31	8N	11E	MEAGHER

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**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

205646-00

205649-00



**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**MUSSELSHELL RIVER, ABOVE ROUNDUP**  
**BASIN 40A**

**Water Right Number:** 40A 205647-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** 71 RANCH LP  
40 71 RANCH LN  
MARTINSDALE, MT 59053 8709

**Priority Date:** AUGUST 10, 1884

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 31.10 CFS

**\*Volume:** 1,173.00 AC-FT

THE WATER COURT HAS DETERMINED THAT A VOLUME QUANTIFICATION IS  
REQUIRED TO ADEQUATELY ADMINISTER THIS RIGHT.

**Climatic Area:** 4 - MODERATELY LOW

**\*Maximum Acres:** 138.00

**Source Name:** SOUTH FORK MUSSELSHELL RIVER

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESWNW	17	8N	11E	MEAGHER

**Period of Diversion:** MAY 1 TO SEPTEMBER 30

**Diversion Means:** HEADGATE

**Ditch Name:** SMITH SHEEP CO DITCH

**Period of Use:** MAY 1 TO SEPTEMBER 30

**\*Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	30.00		S2SW	10	8N	11E	MEAGHER
2	57.00		NW	15	8N	11E	MEAGHER
3	51.00		NE	17	8N	11E	MEAGHER
<b>Total:</b>	<b>138.00</b>						

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**MUSSELSHELL RIVER, ABOVE ROUNDUP**  
**BASIN 40A**

**Water Right Number:** 40A 205648-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** 71 RANCH LP  
40 71 RANCH LN  
MARTINSDALE, MT 59053 8709

**Priority Date:** AUGUST 8, 1896

**Type of Historical Right:** FILED

**\*Purpose (use):** STOCK

**\*Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**\*Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** SPRING, UNNAMED TRIBUTARY OF SOUTH FORK MUSSELSHELL RIVER

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWSE	15	8N	11E	MEAGHER

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**\*Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWSWSE	15	8N	11E	MEAGHER

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**MUSSELSHELL RIVER, ABOVE ROUNDUP**  
**BASIN 40A**

**Water Right Number:** 40A 205650-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** 71 RANCH LP  
40 71 RANCH LN  
MARTINSDALE, MT 59053 8709

**Priority Date:** AUGUST 1, 1895

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 5.53 CFS

**\*Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**\*Maximum Acres:** 130.50

**Source Name:** COTTONWOOD CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	5	NENWSW	6	7N	11E	MEAGHER

**Period of Diversion:** MAY 1 TO SEPTEMBER 30

**Diversion Means:** HEADGATE

**Period of Use:** MAY 1 TO SEPTEMBER 30

**\*Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	22.00		NW	6	7N	11E	MEAGHER
2	34.50		E2E2	36	8N	10E	MEAGHER
3	74.00		W2	31	8N	11E	MEAGHER
<b>Total:</b>	<b>130.50</b>						

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**MUSSELSHELL RIVER, ABOVE ROUNDUP**  
**BASIN 40A**

**Water Right Number:** 40A 205654-00 STATEMENT OF CLAIM  
**Version:** 5 -- POST DECREE  
**Status:** ACTIVE

**Owners:** 71 RANCH LP  
40 71 RANCH LN  
MARTINSDALE, MT 59053 8709

**Priority Date:** NOVEMBER 19, 1892

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**\*Flow Rate:** 3.51 CFS

**\*Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 949.00

**\*Source Name:** COTTONWOOD CREEK

**Source Type:** SURFACE WATER

**\*Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	7	7N	11E	MEAGHER

**Period of Diversion:** APRIL 15 TO SEPTEMBER 30

**Diversion Means:** HEADGATE

**Period of Use:** APRIL 15 TO SEPTEMBER 30

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	6.00		NENW	31	8N	11E	MEAGHER
2	25.00		NWNE	31	8N	11E	MEAGHER
3	20.00		NENE	31	8N	11E	MEAGHER
4	11.00		SESW	30	8N	11E	MEAGHER
5	38.00		SWSE	30	8N	11E	MEAGHER
6	27.00		SESE	30	8N	11E	MEAGHER
7	25.00		NWSE	30	8N	11E	MEAGHER
8	37.00		NESE	30	8N	11E	MEAGHER
9	22.00		SWNE	30	8N	11E	MEAGHER
10	40.00		SENE	30	8N	11E	MEAGHER
11	3.00		NWNE	30	8N	11E	MEAGHER
12	37.00		NENE	30	8N	11E	MEAGHER
13	35.00		NW	29	8N	11E	MEAGHER
14	3.00		W2W2SW	29	8N	11E	MEAGHER

15	38.00	SWSW	20	8N	11E	MEAGHER
16	26.00	SESW	20	8N	11E	MEAGHER
17	2.00	SWSE	20	8N	11E	MEAGHER
18	9.00	NWSW	20	8N	11E	MEAGHER
19	37.00	NESW	20	8N	11E	MEAGHER
20	34.00	NWSE	20	8N	11E	MEAGHER
21	3.00	NESE	20	8N	11E	MEAGHER
22	25.00	SENW	20	8N	11E	MEAGHER
23	19.00	SWNE	20	8N	11E	MEAGHER
24	12.00	SENE	20	8N	11E	MEAGHER
25	8.00	NENW	20	8N	11E	MEAGHER
26	17.00	NWNE	20	8N	11E	MEAGHER
27	10.00	NENE	20	8N	11E	MEAGHER
28	14.00	SWSW	16	8N	11E	MEAGHER
29	32.00	SESW	16	8N	11E	MEAGHER
30	11.00	NWSE	16	8N	11E	MEAGHER
31	30.00	NESE	16	8N	11E	MEAGHER
32	23.00	SWSE	16	8N	11E	MEAGHER
33	12.00	SESE	16	8N	11E	MEAGHER
34	38.00	NWSW	15	8N	11E	MEAGHER
35	3.00	SWSW	15	8N	11E	MEAGHER
36	40.00	NESW	15	8N	11E	MEAGHER
37	8.00	SENW	15	8N	11E	MEAGHER
38	5.00	SESW	15	8N	11E	MEAGHER
39	22.00	SWNE	15	8N	11E	MEAGHER
40	38.00	NWSE	15	8N	11E	MEAGHER
41	30.00	SWSE	15	8N	11E	MEAGHER
42	14.00	SENE	15	8N	11E	MEAGHER
43	30.00	NESE	15	8N	11E	MEAGHER
44	30.00	SESE	15	8N	11E	MEAGHER
<b>Total:</b>						949.00

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**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

205649-00      205652-00      205653-00      205654-00      205655-00

AUTHORIZATION TO CHANGE POINT OF DIVERSION AND PLACE OF USE COMPLETED 01/09/1987. ABSTRACT REFLECTS RIGHT AS IT EXISTED PRIOR TO JULY, 1973.

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**MUSSELSHELL RIVER, ABOVE ROUNDUP**  
**BASIN 40A**

**Water Right Number:** 40A 205657-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** 71 RANCH LP  
40 71 RANCH LN  
MARTINSDALE, MT 59053 8709

**Priority Date:** MARCH 10, 1898

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 2.80 CFS

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 5 - LOW

**Maximum Acres:** 74.00

**Source Name:** LOST HORSE CREEK

**Source Type:** SURFACE WATER

**Source Name:** UNNAMED TRIBUTARY OF LOST HORSE CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENE	4	6N	11E	MEAGHER

**Source Name:** LOST HORSE CREEK

**Period of Diversion:** MAY 1 TO SEPTEMBER 30

**Diversion Means:** HEADGATE

2		NWNWSE	4	6N	11E	MEAGHER
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**Source Name:** UNNAMED TRIBUTARY OF LOST HORSE CREEK

**Period of Diversion:** MAY 1 TO SEPTEMBER 30

**Diversion Means:** HEADGATE

**Period of Use:** MAY 1 TO SEPTEMBER 30

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	9.00		NENE	4	6N	11E	MEAGHER
2	22.00		NWNE	4	6N	11E	MEAGHER
3	35.00		SENE	4	6N	11E	MEAGHER
4	8.00		SWNE	4	6N	11E	MEAGHER

**Total:** 74.00